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SHOULD OUR VOLUNTEERS BE RAISED BY CONSCRIPTION?

BY CAPTAIN JAMES PARKER, U. S. A.

IN 1865 we had in this country a million and a half of men trained in the profession of arms, and fit for active service. As a military nation we were then, and were for a number of years afterwards, formidable. In view of our strength the necessity of formulating a military policy for the future did not seem pressing. We were tired of war and of questions of war.

Thirty-two years have passed. A new generation makes its voice heard loudly. It is for the assertion of our greatness, for the exaction of what we consider our rights, to the last iota. As a nation we have become aggressive.

But these thirty-two years have transformed our veterans into pensioners. They are long past the military age. The men who in 1865 were 24 years of age are to-day 56. Few of these are available for service. The military talent we have for years vaunted ourselves on possessing, is rapidly passing off the stage. We must open our eyes to the fact that we can count on it no longer. What policy shall we adopt?

Steam has transformed the ocean, formerly an obstacle to approach, into a road by which armies may be easily and quickly transported. We thus find that the nations of Europe, once remote, have become, as it were, our next-door neighbors. The period since 1865 has been for them a time of rivalries, jealousies, quarrels. While we have been devoting our attention to the arts of peace, they have been preparing for war, and now stand armed to the teeth, prepared for conflict. We find them prepared, by means of conscription based on the principle of universal service, to embody in their armies in time of war from three to ten per cent. of their population. France, Germany and

Russia each counts on having under arms forces of from three to four millions of men.

It is useless for us to imagine, in case we were involved in war with a first-class power, that we would not have to rival these sacrifices. We have only to look back at the colossal forces we raised in 1861-65 to realize that when our national existence is concerned we will spare no money, no men.

To provide for future wars schemes have been advanced in favor of a permanent enlargement of our regular army; for the reorganization and increase of our National Guard. Such schemes are illusory, because they are inadequate.

The prejudices of our people against a largely increased standing army seem to make that solution of the question impracticable. The National Guard is a home guard raised by a State to preserve order within its borders. As regiments, the National Guard cannot properly be incorporated permanently or in the armies of the United States. That they will be available in emergencies, and that large numbers of men and officers of the National Guard will in time of war join the national forces, bringing with them much available military talent, there can be no doubt. But it is none the less true that the individual States will have need of, and will be obliged to retain, their State military organizations. War often brings civil disorder, and troops will be needed at home as well as at the front.

It is evident, that in case of a great war, we, like the nations of Europe, will be, as in 1863, obliged to resort to conscription. The only essential difference between the conscription we enforced during the rebellion, and the conscription now going on in Germany and France, is that there they draft men during peace to be educated for war, while ours was strictly a war measure abandoned with the advent of peace.

The system of recruiting as perfected by the United States towards the close of the Rebellion was founded on conscription. It may seem a paradox, but at this period it was directly as well as indirectly by means of *conscription* that we raised the mass of our United States *Volunteers.*

In considering the subject of how our volunteers are to be raised, we should examine into the leading features of the system of recruiting elaborated during the late war, since in that war we attained our largest experience. It was an intricate system, since

it was a growth evolved by the necessities of the war, and had to be carried on in such a manner as not to offend the susceptibilities of the sovereign States, both State and National authorities taking part in it. But, as in any future great war we shall be obliged to adopt a method of recruiting modelled upon it, it should be studied in order that, if possible, its faults may be corrected.

Before going any further it may be well to enumerate the different military land forces which the United States may make use of in time of war. We may then more clearly understand the meaning of the term "Volunteers." These are:

1st. The regular army raised by the central government by voluntary enlistment. This is in one sense of the word a volunteer force. But it is distinguished by being a permanent force, the officers holding commissions during life or good conduct.

2d. Regiments of militia raised by the several State governments by voluntary enlistment for service in the war, and then mustered into the service of the United States. These were called "Volunteers," or "State Volunteers," to distinguish them from regular United States troops. Their officers were appointed by the States.

3d. Regiments of militia raised for the war by their respective States by draft or conscription from the militia enrollment, and immediately mustered into the service of the United States. These also were called "Volunteers."

4th. Regiments of the "National Guard," sometimes called "Volunteer Militia," "Active Militia," "Organized Militia." These are permanent State troops, raised by the State by means of voluntary enlistment, not for the war, but for peace duty, within the State. They were enumerated as part of the militia, in one of the first acts of Congress dealing with the military establishment. These troops before the rebellion were often called "State Volunteers." When mustered into the service of the United States, they too were included in the general designation, "United States Volunteers."

5th. United States Volunteers. There was a class of volunteer troops which were made use of in our early history, which were raised and officered by the United States central government. The law authorized the President to appoint the company officers of such volunteers. Under that law, these troops

were therefore United States troops; and they differed from the regular army only in that they were raised for temporary purposes.

In subsequent laws concerning the volunteers, however, this feature was not preserved. The United States relinquished, in great degree, its right, so that during the Mexican War and during the Rebellion the States appointed all regimental officers. On July 22, 1861, an Act of Congress conferred upon Governors the power to commission all regimental and company officers for volunteers, which power was continued until the close of the war. In consequence the raising of a regiment of Volunteers does not differ from that of a regiment of militia raised for active service in war, but there is this distinction, that while it is held that the militia cannot be called upon, under the Constitution, to go beyond the boundaries of the United States, the "United States Volunteers" are considered available for foreign service; and that, in the volunteers, all officers other than regimental officers are appointed by the United States. It will, however, be seen that the terms "Volunteers, "Volunteer Militia," and "Militia" were often, in the calls for troops, used interchangeably.

6th. Troops raised by conscription or draft, by the general government, by means of an enrollment made by its officers in each United States District, without the aid or intermediation of the States. These troops, being incorporated in regiments of volunteers raised by voluntary enlistment, were named like them "Volunteers." They were raised under the general authority accorded by the Constitution to Congress to "raise and support armies." The constitutionality of the draft has been attacked, but never carried to a decision. In the South, this question was decided by the Supreme Court in favor of the government, as it undoubtedly would be decided in the Supreme Court of the United States.

We may now consider how the United States Volunteers were raised in the Civil War.

On April 15, 1861, President Lincoln called for "75,000 militia" for three months' service. Under this call some States furnished regiments of the National Guard. Others had few or no regiments of organized militia and called for "Volunteers," who being duly enlisted, were organized into regiments, and mustered into the service of the United States.

On May 3, 1861, the President made a "call into the service of the United States of 42,034 volunteers to serve for the period of three years." By act of Congress, in July 1861, this call was increased to 500,000 men. It was promptly filled.

On July 2, 1862, a call was made by the President for an additional 300,000 "Volunteers" for three years.

On August 4, 1862, the Secretary of War, by order of the President, issued a call for a "draft" of 300,000 "militia" for nine months. "The Secretary of War," it said, "will assign the quota to States and establish regulations for the draft." "If any State shall not by the 15th day of August furnish its quota . . . the deficiency of Volunteers from that State, shall, also, be made up by special draft from the militia." Here we see that the President, in order to complete the number of Volunteers called for by a previous call, is obliged to invoke the authority of the Constitution, and the laws passed under it, for calling out the militia.

This "draft" was a State draft, enforced by the States, under regulations prepared by the War Department. The Governors appointed a commissioner of the draft for each county, with a deputy commissioner for each township, to make the enrollment of citizens of military age. Each township was credited with such men as had been already furnished by voluntary enlistment, and was obliged to furnish the remainder of its quota, if any. The drawing took place on stated days in each township, under the supervision of the Commissioners of the county and township. The men thus drafted were allowed to furnish substitutes, if they so desired. Some were exempted for disability; others being drafted, failed to report. The remainder on reporting for enlistment were sworn in and classed as "Volunteers." They were organized by the State into companies and regiments, the officers being appointed by the Governor.

On June 15, 1863, the President called for 100,000 "militia" for six months.

In the winter of 1862–63, the impossibility of keeping up our armies by volunteer enlistment had become so apparent that some more effective means of recruiting was seen to be necessary. On March 3, 1863, Congress passed the "Enlistment Act," whose main feature was conscription and the establishment of an entirely new method of raising recruits; the matter being placed

in the hands of the general government, the authorities of the States co-operating and assisting. A Bureau of Recruiting was established for the whole country, under charge of the Provost Marshal General. To assist him Provost Marshals were appointed for each Congressional district. The co-operation of the States was effected through an Acting Assistant Provost Marshal General for each State. In each Congressional District a Board of Enrollment was appointed, consisting of the Provost Marshal, a Commissioner and a Surgeon. The Board divided the district into sub-districts, each sub-district being in charge of an enrolling officer. The lists made by each enrolling officer were revised and consolidated by the Board, and formed the basis on which drafts were made.

As soon as this system was in working order and the enrollment was completed, recruiting was continued with increased vigor. Calls were made October 17, 1863, for 300,000 men for three years; increased on February 1, 1864, to 500,000 men; and further increased, March 14, 1864, to 700,000 men. On April 23, 1864, 113,000 militia were called for, for 100 days. On July 18, 1864, a call was made for 500,000 men, for one, two, three, and four years, and on December 19, 1864, for 300,000 men for one, two, three and four years. In all, 2,678,967 men were recruited during the war, of which number over 1,250,000 were furnished after the inauguration of the United States conscription; 168,000 were actually conscripted, the rest being raised by the bounty system.

On a call by the President, for a certain number of volunteers, the quota for each State was determined by the War Department and transmitted to the Governor of the State. The Governor then usually issued a proclamation, stating the requisition for troops, and calling on the citizens to fill it at once. Letters were sent by him, to influential citizens of every county and township, asking them to interest themselves in the work, and appealing to their State pride, that it should be done promptly. By these citizens, in turn, public meetings in the towns were brought about, at which patriotic speeches were made, urging the citizens to maintain the credit of the community and State, by a prompt and effective response to the call. A plan of procedure was thereupon agreed to and committees chosen to select recruiting officers. These latter were usually candidates for com-

missions ; besides being paid by the town or county for their services, they were often rewarded by a temporary commission, permanent commissions being conditional on recruiting the full organizations. Meanwhile State camps of instruction were established, one for each Congressional district. For these camps, commandants, quartermasters, adjutants, and examining surgeons were appointed by the Governor. After the first year of the war local bounties were offered by counties and townships, to encourage recruiting ; bonds were issued to raise the necessary funds. The men, on offering themselves for enlistment, were sent to the camps of rendezvous, where they were organized into companies and regiments. Recruits were allowed their choice of regiments, but they nearly all enlisted in new regiments. In an old regiment, neither commissions nor warrants could be held out as inducements to those who did the recruiting, and the chances of promotion, for a new man among old soldiers was slight. In addition, the fear that the hardest service would be given to the old regiments, had the effect of scaring off recruits.

The method of appointment of officers varied. In many cases, men of repute were authorized to raise companies and regiments, with the understanding that they would command them. In more cases the officers of a company were elected by the votes of the men. The most satisfactory plan appeared to be, to call for a whole regiment from some locality, generally a Congressional district, and appoint a commandant to supervise the recruiting. No commissions were promised, the selection of officers being left open until the regiment was filled up. In this way, a better opportunity was given to select the most worthy officers, the regiment being officered by its own members. When companies had reached the requisite number of men, they were mustered into the United States service by regular army officers, detached from their regiments for that purpose.

A bounty of $100 was paid by the United States to all recruits during the first two years of the war. After 1863 a bounty of $300 was paid by the United States in installments to three-year recruits, and of $400 to veterans on re-enlisting for three years. Local bounties were not common until after the draft commenced.

As stated before, by the Act of March 3, 1863, a system of conscription, directly applied by the United States, with the aid

of the States, was established. On the issuance of a call from the President, the quota from each Congressional District was determined by the Provost Marshal of the United States. The quota were assigned as follows: As the total enrollment of the United States is to the call, so is the enrollment of the district to its quota.

The quotas thus obtained were reduced by credits. Certain persons, such as officers of the government, cripples, etc., were exempt. On the day appointed for the drafting, the names of all who were liable to draft, written on separate ballots, were placed in a wheel, from which a person blindfolded drew a number of ballots equal to the quota of the sub-district. The persons whose names were drawn were then examined, and enlisted by the United States recruiting officers. Persons drafted, could at first be relieved from service, on the production of a substitute, or the payment of $300. Much dissatisfaction was expressed at this latter proviso, and in 1864, the $300 commutation was repealed, and substitutes required in all cases. While the conscription lasted, voluntary enlistments were greatly stimulated. The fear of the draft caused citizens to exert themselves to fill the quota of their township or county by voluntary recruits, and this they accomplished partly by local bounties. To pay these bounties, the counties or townships issued bonds, thus shifting the debt to children or descendants.

To make the local bounties more attractive, they were not paid in installments, as was the United States bounty, but often in a lump sum at enlistment. The local bounty system was no sooner started than an active competition was commenced between different localities. Men who were tempted by the bounty to enlist, were likely to enlist, not in their own county or township, but elsewhere, where the bounty was larger. These men were credited to the district they enlisted in, and not to their own district, and thus the districts that offered the smaller bounty would be stripped of their available men, leaving the remainder exposed to the draft. The pernicious effects of this system are too apparent. Take for example two counties, one inhabited largely by well-to-do people, the other by a laboring population. Tempted by the larger bounty offered by the rich county, the able-bodied men of the poor county (which we will suppose offered a bounty inferior in amount) enlisted and were credited

to the richer county, which thus escaped the draft altogether. Yet the quota of the poorer county was not decreased. The inferior bounty offered by the poorer county failing to attract recruits, the draft was mercilessly applied, and an unusually large proportion of the few men who remained conscripted. If any of these conscripted men had peculiar reasons for desiring exemption, they found that the larger bounties had so raised the price that substitutes were beyond their means. To make the matter worse, the richer county prided itself on its patriotism in having produced so many voluntary recruits that the "disgrace" of the draft was avoided. As a matter of fact, the men of the richer county had in reality purchased *substitutes*, paying for them in bonds, whose principal and interest was defrayed, not by them, but by their children, and by those who came after them.

Under this system the amount of the local bounties offered, in some cases, ran up to a thousand dollars. This dissatisfied the men who had been doing the fighting, and who bitterly compared their poor pay with the immense sums paid new recruits. The bounties increased as the war progressed, each call for soldiers being at the time thought to be the final call. The rise in bounties, and the difficulty in obtaining recruits, produced a class of men called bounty brokers, who exacted a commission on the bounties of the men they procured. These bounty brokers obtained recruits from the far West, and from Canada, for the richer communities of the East. Some were brought by force, or "shanghaied."

The States and districts having obtained permission to receive credit for sailors furnished before the draft was commenced, another class of brokers grew up called "credit brokers." These brokers hunted through the navy for men for whom the State or district had yet received no credit. Such men were as valuable to townships whose only object was to fill their quotas, as the legal number of *bonafide* enlistments. The declaration, true or false, of the sailors who claimed to belong to a certain township, brought the credit broker a certain sum of money, part of which went to the sailor. Some of the individual States, as the war went on, obtained permission to establish recruiting districts in the South (Massachusetts had five of these), where colored regiments were raised and credited to the State.

In some townships and districts every possible device was

used to have men accepted who were physically or mentally unfit for service. Numbers of criminals engaged in the business of "bounty jumping," deserting after enlisting and after having received the bounty, to again enlist, and desert again on the first favorable opportunity. This greatly increased the number of desertions reported. By allowing the bounties in many cases to be paid to the bounty brokers, who shared them with the recruits, the civil authorities increased the rapacity of the brokers, who often were in collusion with the "bounty jumpers," and who stopped at nothing to obtain recruits and have them accepted. Looking back on this bounty system and its results, we cannot but feel that they constitute one of the most disgraceful chapters in the War of the Rebellion.

The custom of raising new regiments, instead of sending the recruits to fill old ones, was continued in States where the quotas were raised without having recourse to the draft. Volunteers preferred new organizations, some because it delayed their departure to the front, others because they felt that a green hand in regiments of veterans had a slim chance of preferment. On the other hand, recruits raised by the draft were at the disposal of the United States as it saw fit.

The bounty system, then, with all the abuses engendered by the local bounties, was a direct result of the conscription or draft; but all authorities concur in the opinion that the conscription was, during the Rebellion, delayed too long; that it should have been commenced a year or more earlier. It strengthened greatly the military power of the country. It filled up the old but weak veteran regiments and increased their effectiveness. The drafted men were, as material for soldiers, often superior to those who enlisted for bounty, and only inferior to the patriotic men who volunteered in response to the first calls. The draft forced States which had not filled their quotas in response to former calls, to contribute their share in the work of fighting, and thus silenced the charges of lukewarmness and dissatisfaction made by the people of other States. In thus reducing sectional strife and animosity, it made the nation strong. Abroad it at once raised the credit of the nation, for foreigners then first saw that the people were in earnest, and that they had at last made effective provision for developing the whole power of the nation. Foreign nations no longer debated interference.

In the extraordinary and valiant resistance opposed to us by the South, the draft was one of the main causes of their tenacity. In the South there was no question of bounties; the conscription was early in the war applied with a rigor that forced into the ranks every able-bodied man, and brought out their whole fighting power. In the splendid fighting done by our opponents may be seen its value.

Having studied the details of the systems of recruiting by which our civilian armies (called Volunteers in contradistinction to the regular army) have been raised, it remains for us to consider what method should be adopted in future. There are several cases to be considered.

We might become involved in a purely defensive war, as with France or Germany, in which any offensive return would be made by means of the navy. Or we might have a defensive-offensive war, as with England. Or the war might be purely offensive, as in the case of Mexico, or a South American State.

In any case it would be well to provide for the expansion of our nucleus, our "skeleton army," our volunteer regular army.

Our experience during the war of 1861–5 was that the regular army, in competition with the volunteers, and as a result of the system of using commissions in the volunteers proper as an inducement for recruiting, wasted away. If provision is not made in any future crisis for mobilizing the regular army, we will lose a body of well-trained veteran soldiers, which would be surely of immense value in the period which must elapse before the volunteers could be made ready for active service.

I would accomplish this by localizing the recruitment; that is, by assigning on the outbreak of war each regiment of the regular army to a particular State for recruitment during the continuance of the war. Let the regiment bear on its colors, "Recruited in the State of ———." Fill the infantry companies and artillery batteries up to 200 men; the cavalry troops to 100 men, by successive batches of recruits; each lot of recruits being forwarded as soon as the preceding lot have had time to become drilled and assimilated. Appoint in each company, with the assistance of the Governor of the State to which assigned, a "third lieutenant," and fill all vacancies, afterward occurring among the lieutenants, and not absorbed by the usual appointments of the United States Military Academy (who should have

precedence) by commissioning citizens of the State in which the regiment is recruited. Such appointments to be on the Governor's recommendation, after due examination, but to be made only in case the companies and batteries have a minimum strength of 150, and the troops of 80. Establish for each regiment a home depot for recruiting purposes.

This would act as a powerful aid in keeping the regular army effective. The States would take pride in their regular regiments. The new recruits would be whipped into shape in half the time consumed in the volunteers. Men desiring to enlist would prefer an organization where the officers knew their business, provided it was raised in their own State. The commissions, as in the case of volunteer regiments, would act as an inducement to activity in recruiting. Our regular infantry force of 250 or 300 companies would very soon gain an efficient strength of 50,000 or 60,000 men, our artillery of 12,000, and our cavalry of 12,000. Since great numbers of regular officers will be detached for service with the volunteers, and since the companies will be larger, the extra lieutenants will not be found superfluous.

The further addition to the regular army of new battalions or regiments, under these or like conditions, might be a course that would commend itself to Congress.

In an offensive war, carried on at a great distance from our shores, the militia, being home troops, cannot always be expected to be available for foreign service.

In a war of any duration the organized militia is not in number more than is necessary to preserve order at home.

The regiments of the National Guard, however, will always form a splendid bulwark against the first tide of invasion. Unfortunately, they can be called into the service of the United States for but short periods only.

The militia organization of the United States acts as a school of war, in which will receive their military training large numbers of men, who, in time of war, will officer and train our raw levies of volunteers.

On the outbreak of war it should be the policy of our government, after making proper provision for raising and maintaining the regular army to an efficient strength, and after calling into the service of the United States such regiments of the National

Guard as are needed to repel immediate invasion, to make a call for United States volunteers, to serve *for the war*, to be raised by voluntary enlistment. This call should include enough troops for all contingencies. On no account should the term of service be limited to three months, six months, etc., as was done at the beginning of the war. It was found that during the first war fever it would have been as easy to obtain enlistments for the whole duration of the war as for short periods like six months. The desertion of regiments of short term men, when important operations were pending, has jeopardized many campaigns.

It is better that the States should have the raising and officering of these first troops (making due provision that officers should pass certain examinations), since the co-operation of the States in the work of raising the regiments, insures expedition. It is also better, as a stroke of state policy, as well as military policy, that a large number of troops should be called for, since it deters the enemy, and awakens the people to a sense of the seriousness of the crisis.

This first call being made, and the regiments being in process of formation and training, Congress should, in case of a war with a first-class nation, at once enact a law of conscription. In this way only can we keep the ranks of our regiments filled, cause disaffected localities to contribute their full proportion of men, and maintain the credit of the State, by showing the world that the policy of the government will be supported by the whole able-bodied strength of the nation.

To allow the counties and districts to escape the draft, by furnishing alien substitutes through the bounty system, seems unwise. I have already detailed the evils of this system. Under the guise of patriotism it works the most arrant injustice. It is a drawback to recruiting, in place of being an aid. It interferes with the efficiency of the armies, by causing new regiments with green officers to be raised, when old regiments, with trained and experienced officers, are useless for want of men. It leads to corruption, thieving and trickery. It works for the rich against the poor. It creates local war debts of immense proportions, to be paid by descendants. Its constitutionality is even a matter of doubt.

And yet we must take into consideration the possibility that this discredited system will survive. If it does, then its worst

features should be expunged. Communities ought not to be allowed to bid for men from other places. To prevent this, when the first enrollment is made, each community should be credited with every one of its men then in service, and every soldier should thereafter be credited to the township of which he is an actual resident or voter, and to none other. No man should be received under the bounty system unless, as is the case with our peace recruits for the regular army, he can produce verified testimonials from at least two persons in good standing, certifying to his character and good habits. This will be a deadly blow at the whole machinery of bounty brokers, bounty jumpers, credit brokers, etc. Bounties other than the United States bounty should have their total limited to an amount not greater than two years' pay, and required to be paid in instalments. The bounty should be paid to the volunteer in person, by the proper officers, and not to the broker, and any agreement by a volunteer with any broker, or agent, for the payment to him of any part of a bounty, should be declared void. The call should be made for men of an age between certain limits, the younger men being called out first. Thus, the liability to draft not being general, the bounty system will be less likely to be adopted.

In concluding this article, it may be well to take into consideration the financial aspects of our volunteer system. It should be remembered that modern wars are paid for not so much by those who take part in them as by succeeding generations. While great sacrifices are made, a war does not, as a rule, directly impoverish the people of a country, as formerly was the case. Taxation is of course increased, but the great sums necessary are largely obtained by issues of bonds. The ability of a nation to raise money on bond issues depends much upon the resources of the country, but also largely upon the amount of the national debt already existing. If this is small, war may be conducted without raising materially the rate of taxation. If, on the other hand, the national debt be unduly large the power of the nation to borrow is limited, and the sums needed to prosecute the war have to be obtained largely by immediate and extreme taxation. Every dollar, then, that is devoted to reducing the National Debt may be said to have been deposited in the Nation's War Chest.

In the War of the Rebellion our money flowed like water. In our desperate endeavor to succeed little foresight was shown,

and in our gratitude to the victors we still further built up the tremendous load of obligations by a pension list which astounds the world. We enlisted in that war two and a half millions of men. These men cost us for pay a thousand millions of dollars; for United States bounties, three hundred millions; for local bounties, three hundred millions; for pensions already paid, two thousand millions. The Volunteer system, then, is a costly system. By it both men and money are wasted. It is doubtful whether the sacrifices which result from our adherence to it do not equal those we would endure were we to emulate the patriotic submission to universal conscription of the people of the nations of Europe, and thus secure the effective means of preparing in peace for war.

JAMES PARKER.